

Town of Rowe – FY2013
Board of Selectmen – Minutes
Tuesday, September 11, 2012 –4:00pm
Rowe Town Hall

Call to Order: The meeting was called to order by Chairman Abbott at 4:12pm.

Present: Chairman Noel Abbott, Vice Chairman Paul McLatchy III, and Selectman Marilyn Wilson

Audience: Dot Page, Ann Foshay, Diane Broncaccio, Bill Loomis, Cindy Laffond, Lenny Laffond, Jim Davidson, Ron Gordon, Rosie Gordon, Carlos Heiligmann, Kathy Heiligmann, Robin Reed, Lockwood Reed, Donna Flagg, John Magnago, Lillian Danek

School Fire Update:

- Still awaiting MIIA reports on school fire.
- Even though the Memorandum of Understanding (MOU) between the Hawlemont School Committee (HSC) and the Rowe School Committee (RSC) stipulates that no items taken from the Rowe School can enter the Hawlemont School without review/approval of the HSC and the Central Office (CO), some chairs were taken from the storage area in the Rowe Fire Station (where the Smart Boards cleaned and stored by Ed May were also being stored), and were brought into the Hawlemont School. This was done by two school staff members at the request of the Principal. The Town of Rowe was not aware that this had taken place. The CO became aware of this and had the chair(s) removed immediately and were brought back to the Rowe Fire Station. The CO had the firm ATC Associates of West Springfield test the room(s) at the Hawlemont School where the chairs had been placed. Their official report stated that there was no hazardous material contamination of the area(s) tested.
- As further proof that there was/is no hazardous material contamination, Ed May had the six (6) Smart Boards at the Rowe Fire Station and one of the chairs referenced above also tested by ATC Associates. No HazMat contamination was found (report attached). [Note: ATC Associates worked with the Energy Committee two years during the ESCO project to identify hazardous materials in the school building.]
- A second report prepared for MIIA by Cushing, Jammallo & Wheeler, Inc., of Clinton MA addresses the retrieval of items from the school and precautions that should be taken (report attached).
- Vice Chairman McLatchy suggested that the Rowe School Committee and the Select Board meet together to discuss the school and work on a plan for the future.
- Chairman Abbott suggested that the town obtain legal counsel as to who has authority/responsibility for issues relating to insurance funds, disposition of site and contents, future plans, etc.
- Dot Page reported that the Mary Lyon Foundation received 2,000 books last week. They are being sorted by grade level and will be turned over to Rowe school. They received a wonderful donation from a family whose children attended Rowe school. Ms. Page contacted a firm that had supplied books to the Spanish teacher that were destroyed, and that firm is replacing the books free of charge.
- Bill Loomis stated that he had been approached by several parents with concerns about not hearing much information about rebuilding the school. He asked if a public meeting could be held with officials from MIIA and DESE (Dept of Elementary and Secondary Education) to discuss such issues. The Select Board agreed that it would be useful to hold a public meeting.
- Diane Broncaccio stated that when Heath built their new school in 1995 they used MSBA (MA School Building Authority) funds, and because they used these state funds they were required to build a school for 120 students—much larger than needed at that time.
- The Select Board members are hearing good reports that things are working well at the Hawlemont school for Rowe staff and students.

Heath BOS Letter: A letter was received from the Heath Board of Selectmen (also sent to Rowe School Committee) expressing their condolences for our recent loss of the Rowe school, and offering to discuss with Rowe the possibility of educating our children with the Town of Heath. Discussion was deferred to the next meeting on Sept 18th.

Winter Sand Bid: The following bid prices were received for Winter Road Sand for the period Oct 1, 2012 to Sept 30, 2013:

- Delta Sand & Gravel, Sunderland MA \$17.50/ton
- Mitchell Excavating, Shelburne MA \$12.95/ton
- Lane Construction, Northfield MA \$19.15/ton

DPW Supt. Jim Taylor stated that in the past there had been problems with low bidder Mitchell Excavating, in that the sand was not being washed as stipulated in the bid specs. Mr. Taylor was assured by Andrea Woods of FRCOG (who put this out to bid for the town) that all bids specs would be complied with by Mitchell. On this assurance Mr. Taylor recommends that the bid go to low bidder Mitchell Excavating. On the recommendation of DPW Superintendent the Select Board voted unanimously (3/0/0) to award the bid to low bidder Mitchell Excavating of Shelburne MA for approximately **4,000 tons of winter road sand at the price of \$12.95 per ton.**

Winter Salt Bid: The following bid prices were received for Winter Road Salt for the period Oct 1, 2012 to Sept 30, 2013:

- Eastern Minerals, Lowell MA \$65.50/ton
- Cargill Deicing Technology, Olmsted OH \$62.89/ton
- International Salt, Clarks Summit PA \$63.54/ton
- Granite State Minerals, Portsmouth NH \$65.88/ton

On the recommendation of DPW Supt. Jim Taylor—who received assurance concerning low bidder Cargill Deicing from Andrea Woods of FRCOG who handling the bidding process for the town—the Select Board voted unanimously (3/0/0) to award the bid for Winter Road Salt to low bidder Cargill Deicing Technology of Olmsted OH for approximately **400 tons of Winter Road Salt at the price of \$62.89 per ton**, to be delivered from their depot in Westfield MA.

Green Communities—DPW Solar Project: EnCom Chair Jack Packard reported to the Select Board that the Energy Committee is moving ahead on the 5.6kW PV solar array for the DPW garage roof, to be paid for with Green Community grant funds. Andrea Woods of FRCOG is handling the bidding process. The project will be bid in the Central Register on September 25th and the bid opening is October 12th. The expected cost of the array is \$45,000. Mr. Packard and the Energy Committee were thanked for their work.

IRS Levies & Fines: Town Accountant Frank Dudek and Temporary Treasurer Sandy Daviau reported to the Select Board that they had learned today that the IRS had again placed two levies against the Town of Rowe for failure to make timely deposits of payroll taxes and failure to respond to requests for information, and as a last resort was also fining the town. One levy was placed on a town bank account and one levy was placed on rental payments from the US Post Office. These same actions were taken last year against the town for failure of the Treasurer to make timely payroll tax payments (which are sent electronically) and failure to respond to written requests for information and payments. The fines being placed on the town are as follows:

1Q2011	\$ 35.00
2Q2011	\$ 600.23
4Q2011	\$ 1,634.74
1Q2012	\$ 338.97
2Q2012	<u>\$ 639.11</u>
TOTAL	\$ 3,248.05

Mr. Dudek and Ms. Daviau spent several hours today on the phone with the IRS explaining that there had been difficulties in the Treasury office, and that a new Treasurer (Ms. Daviau) had now taken over. They negotiated for an abatement of the fines. The IRS did agree to abate the largest fine (\$1,637.74) and release the two levies, bringing the total fine from **\$3,248.05 to \$1,614.08—providing that the town pays the fines today.** The Select Board then voted unanimously (3/0/0) to pay the fine of \$1,614.08 today to bring us current with the IRS and to take this expense from the General Administration account. They thanked both Mr. Dudek and Ms. Daviau for the extra time and effort they put in to resolve this matter.

Citizen's Report of Harassment: Chairman Abbott reported the Police Chief's report dated September 11th has been issued (attached). Mr. Abbott has received counsel from Town Counsel Joel Bard that this is not a matter for the Board of Selectmen—but instead is essentially a private matter that should be handled as a civil matter. Originally the Select Board had stated they may go into executive session to discuss the matter, but that will not happen this evening due to counsel's advice that this is not a matter for the board to be involved in.

Recall Petition: Ms. Miller reported that Lisa Miller has received the required notification and that she had not resigned within the five (5) day required waiting period. The Select Board then voted unanimously (3/0/0) to call a Recall Election for Saturday, December 1, 2012, for the recall of Lisa L. Miller pursuant to *Chapter 487 of the Acts of 2004—An Act Providing for Recall Elections in the Town of Rowe*. The cost of this election is expected to be approximately \$850.

Letter from Brian Donelson Concerning the School: A second letter was received from Mr. Donelson. Discussion was deferred to the September 18th meeting.

Minutes: Draft minutes of the August 5th and August 6th emergency meetings and the Sept 4th meeting were deferred to the next meeting.

OML Violations: Town Clerk Jenn Morse stated that she felt the town needed a refresher course in both Conflict of Interest and Open Meeting Law requirements as she felt there are many Open Meeting Law violations in town. Ms. Miller asked if the Town Clerk if she had kept officials abreast of the required annual and biennial requirements for completing and updating state trainings. Ms. Morse will send information to all town officials and employees concerning their required trainings.

Correspondence:

- **Kopelman and Paige: New Alcoholic Beverages License for Caterers:** New MGL Chapter 90 of the Acts of 2012 to take effect 10/30/12 allows caterers to obtain an annual license rather than the sponsor (entity hosting the event) to obtain the Special One Day License that is currently required. K&P will provide details once regulations are released by the ABCC (Alcoholic Beverages Control Commission).
- **State Ethics Commission—Formal Advisory Opinion on Fundraising by Municipalities** (see attached)

Warrants: TW06 and PW06 were approved for payment.

EXECUTIVE SESSION: At 5:50pm the Select Board voted by roll call vote as follows to go into Executive Session to discuss a complaint against a town employee and to reconvene in Open Session following the Executive Session: Noel Abbott—aye, Marilyn Wilson—aye, Paul McLatchy III—abstain. [Note: Mr. McLatchy waived his right to forty-eight (48) hour notice of the executive session, and provided a written waiver (attached).]

OPEN SESSION: At 6:18pm the Board of Selectmen reconvened in Open Session.

Adjournment: The Select Board voted unanimously (3/0/0) to adjourn their meeting at 6:18pm.

Respectfully submitted,

Ellen B. Miller
Town Coordinator

Approved:



Noel R. Abbott, Chairman



Paul McLatchy III



Marilyn Wilson

Oct 16, 2012

Date Approved

Attachments:

- Agenda
- ATC Associates report
- Cushing, Jammallo & Wheeler report
- Letter from Heath BOS
- Winter Road Sand bid results
- Bulk Road Salt bid results
- IRS Notices re fines and levies
- *Chapter 487 of the Acts of 2004* – Recall Legislation
- Brian Donelson letter #2
- K&P: New Alcoholic Beverages License for Caterers - *Chapter 90 of the Acts of 2012*
- State Ethics Commission—Formal Advisory Opinion on Fundraising by Municipalities
- Executive Session Waiver